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In re Application of :
Morton et al. :
Application No.: 10/554,656 :
PCT No.: PCT/GB04/01729 :
Int. Filing Date: 23 April 2004 : DECISION
Priority Date: 25 April 2003 :
Attorney Docket No.: CXR101.ORD :
For: Control Means For Heat Load :
In X-Ray Scanning Apparatus :

This is in response to applicants' correspondence filed on 01 May 2007.

DISCUSSION

In response to the correspondence filed on 28 March 2007, a decision was mailed on 02 April 2007, stating in part that

Review of the declaration document filed on 28 March 2007 reveals that it nominates inventors Morton and Luggar, but that it does not nominate the other joint inventor (Paul De Antonis) who was named in the published international application. Meanwhile, review of the declaration document signed by Messrs. Morton and De Antonis, which was filed on 25 October 2005, reveals that it is defective in that it includes an un-initialed alteration (specifically, the section referring to Mr. Luggar has been crossed out). Therefore, it is not clear what inventive entity was being nominated when Messrs. Morton and De Antonis executed the declaration. Therefore, a new oath or declaration nominating and executed by the entire inventive entity is required.

In response, applicants have provided a declaration document nominating and signed by the same inventive entity as was listed on the published international application. However, inspection of said declaration reveals that it appears to have been assembled by compiling separate sheets signed by each inventor so as to arrive at the complete document. In this regard, counsel' attention is drawn to MPEP 201.03, which states in part that

While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

In view of the policy explained above, it would not be appropriate to accept the declaration document at this time.

CONCLUSION

The declaration filed on 01 May 2007 is **NOT ACCEPTED**, without prejudice.

Applicants have the longer of (a) **TWO (2) MONTHS** from the date of the decision mailed on 29 January 2007 (as extended pursuant to 37 CFR 1.136(a)) or (b) **ONE (1) MONTH** from the mail date of this decision (**NOT** extendable under 37 CFR 1.136(a)) in which to file an oath or declaration compliant with 37 CFR 1.497(a) and (b). Failure to timely reply will result in **ABANDONMENT** of this application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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